

CITY COUNCIL AGENDA

MAY 4, 2004

SYNOPSIS

LINDA J. LE ZOTTE
FORREST WILLIAMS
CINDY CHAVEZ
CHUCK REED
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER
TERRY O. GREGORY
DAVID D. CORTESE
JUDY CHIRCO
PAT DANDO, VICE MAYOR

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Economic and Neighborhood Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Recreation and Cultural Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Aviation Services*** — Provide for the air transportation needs of the community and the region at levels that are acceptable to the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 10 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

1. **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item/s that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
2. When the Council reaches your item on the agenda, Mayor Ron Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
3. Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
4. To assist you in tracking your speaking time, there are three lights located to the far right of the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas and Staff Reports for City Council items may be viewed on the Internet at www.sanjoseca.gov/clerk/agenda.htm

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call 1 (408) 277-4424 or 1 (408) 998-5299 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**
9:31 a.m. - Closed Session, Room 600, City Hall
Absent Council Members: Campos.

1:37 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: None.

7:05 p.m. - Public Hearings, Council Chambers, City Hall
Absent Council Members: Campos; Gonzales.
- **Invocation (District 5)**
Hazel Benigno, Mt. Pleasant High School, Student and grand prize winner of the Eastside Union High School District's Cesar E. Chavez Essay Contest, read her poem "The Tree of Hope for Respect".
- **Pledge of Allegiance**
Mayor Gonzales led the Pledge of Allegiance
- **Orders of the Day**
The Orders of the Day and the Amended Agenda were approved.

Mayor Gonzales welcomed Ms. Lee Price, the new City Clerk for the City of San José.

Vice Mayor Dando provided personal remarks regarding the tragic loss of Corporal Pat Tillman, a San José native. She expressed her hope that Corporal Tillman's death would be a legacy of pride and peace for the community and the world. She expressed appreciation to the many City employees for organizing Corporal Tillman's memorial service.

Mayor Gonzales urged everyone to remember Sergeant Adam Estep, also from San José, and who recently gave his life for his country.

Council Member Cortese spoke in the memory of Mr. Phuc Tran, founder of the Hung Association Temple and the Vietnamese Cultural Garden, who was a unifying force in the community.

1 CEREMONIAL ITEMS

- 1.1 Presentation of a proclamation declaring May as Older Americans' Month in San José. (LeZotte, Yeager; Mayor)
Mayor Gonzales was joined at the podium by Council Member LeZotte and Council Member Yeager to proclaim the month of May 2004 as “Older Americans” Month in the City of San José. Mayor Gonzales presented the proclamation to Mr. Ron Schwartz, Chair of the Senior Citizens Commission.
- 1.2 Presentation of plaques to Larry Hancock for 2 years 6 months service on the Early Care and Education Commission; to Linda Cochran for 1 year 5 months service on the Early Care and Education Commission; to S. Andrew Starbird for 1 year 1 month service on the Small Business Development Commission; to Raj Bhanot for 1 year 6 months service on the Library Commission; and to John Ahearn, Jr. for 1 year 9 months service on the Senior Citizens Commission. (Mayor)
Heard in the Evening.
Vice Mayor Dando presented plaques of appreciation for service to Larry Hancock, Linda Cochran, S. Andrew Starbird, Raj Bhanot, and John Ahearn, Jr. Linda Cochran and S. Andrew Starbird were not present for the ceremony.
- 1.3 Presentation of a commendations to Alma Gomes, Caroline Hernandez, Huynh Pham, and Magali Coronado for their award-winning participation in the Santa Clara County Association of REALTORS – San José Mercury News “HomeWords” Essay Contest. (Chavez, Cortese, Williams, Yeager)
(Rules Committee referral 4/28/04)
Heard in the Evening.
Vice Mayor Dando was joined at the podium by Council Members Chavez, Cortese, Williams and Yeager to honor the winners of the “HomeWords” Program, which encouraged young high school students in the community to write essays on the American Dream. Vice Mayor Dando presented plaques of commendation to Alma Gomes, Caroline Hernandez, Huynh Pham and Magali Coronado.
- 1.4 Presentation of a proclamationd declaring May Stroke Awareness Month. (Dando)
(Rules Committee referral 4/28/04)
Mayor Gonzales was joined at the podium by Vice Mayor Dando to proclaim May 2004 as “Stroke Awareness Month”. Mayor Gonzales presented the plaque to Mr. Chuck Hoffman, Stroke Awareness Foundation.

1 CEREMONIAL ITEMS

- 1.5 Presentation of a proclamation recognizing National Historic Preservation Week and the two awards the City received for the rehabilitation of the Twohy Building and drafting the "Your Old House: Guide for Preserving San Jose Homes." (Chavez, LeZotte)
(Rules Committee referral 4/28/04)

Mayor Gonzales was joined at the podium by Council Members Chavez and LeZotte to display two awards received by the City from the Statewide California Preservation Foundation for the Rehabilitation and Reuse of the Twohy Building, and the design of "Your Old House: Guide for Preserving San José Homes". Council Member LeZotte on behalf of Mayor Gonzales, Council Member Chavez, and the City Council proclaimed May 3 through May 9, 2004 as National Historic Preservation Week. Mayor Gonzales presented the proclamation to Stephen Polcyn.

- 1.6 Presentation of a proclamation declaring the week of May 2nd-8th as "Municipal Clerks Week" in the City of San José. (Mayor)
(Rules Committee referral 4/28/04)

Mayor Gonzales presented to City Clerk Lee Price a proclamation recognizing the good works of the City Clerk's office and proclaimed the week of May 2 through May 8, 2004 as "Municipal Clerks Week."

Mayor Gonzales presented a commendation to Deanna J. Santana recognizing her for hard work, dedication and innovation while serving as Interim City Clerk.

- 1.7 Presentation of a proclamation declaring "Teacher appreciation week." (Dando)
(Orders of the Day)

Heard in the Evening.

Vice Mayor Dando, on behalf of Mayor Gonzales and the City Council, proclaimed the week of May 2 through May 8, 2004 as "Teacher Appreciation Week", and Tuesday, May 4, 2004, as "Teacher Appreciation Day" in the City of San José. Vice Mayor Dando presented proclamations to local school teachers, Seena Hawley, and Jennifer Nance, Hacienda Elementary School; Lynne Lozio, Bachrodt; Sylvia Orellana, Empire Gardens; and Jeanne Mullins, Carson Elementary.

2 CONSENT CALENDAR

2.1 Approval of Minutes.

Recommendation: Approval of City Council Minutes for:

- (a) Regular meeting of March 16, 2004
- (b) Regular meeting of March 23, 2004
- (c) Joint Redevelopment Agency Board meeting of March 23, 2004
- (d) Regular meeting of March 30, 2004
- (e) Regular meeting of April 6, 2004
- (f) Joint Redevelopment Agency Board meeting of April 6, 2004
- (g) Regular meeting of April 13, 2004
- (h) Joint Redevelopment Agency Board meeting of April 13, 2004
- (i) Regular meeting of April 20, 2004

Approved.

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances:

- (a) ORD. NO. 27125 – Prezones certain real property situated on the west side of Pala Avenue, approximately 60 feet northerly of Avenue A, to R-1-8 Residence Zoning District. C 03-081

Ordinance No. 27125 adopted.

- (b) ORD. NO. 27126 - Prezones certain real property situated on the south side of Summit Avenue, approximately 140 feet easterly of Kirk Avenue, to R-1-5 Residence Zoning District. C 03-095

Ordinance No. 27126 adopted.

2.3 Approval of an agreement for consultant services for the South Bay Water Recycling system.

Recommendation: Adoption of a resolution authorizing the City Manager to execute the third continuation agreement with Montgomery Watson Harza, Inc., for consultant services for the South Bay Water Recycling system, extending the term of the agreement for six months, from April 1, 2004 through September 30, 2004, at no additional cost.

CEQA: Not a Project. (Environmental Services)

Resolution No. 72086 adopted.

2.4 Approval of an agreement for construction of a pedestrian bridge on Dobern Avenue.

Recommendation: Approval of a cooperative agreement with the Santa Clara Valley Water District for the construction of a new pedestrian bridge across Lower Silver Creek, between Dobern Avenue and Bambi Lane, for an estimated cost to the City not to exceed \$343,000. CEQA: Negative Declaration, PP03-11-352. Council District 5. SNI: Gateway East. (Parks, Recreation and Neighborhood Services)

Approved.

2 CONSENT CALENDAR

2.5 Approval to submit a grant application for the Senior Companion Program.

Recommendation: Adoption of a resolution authorizing the City Manager to submit an application to the Corporation for National and Community Service for a one-year federal grant not to exceed \$128,307 for the Senior Companion Program; and if the grant is awarded, authorize the City Manager to accept the grant funds and to negotiate and execute all agreements. CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)

Resolution No. 72087 adopted.

2.6 Approval of an agreement for the MERLIN Program.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with Silicon Valley Economic Development Corporation (SVED) in an amount not to exceed \$33,960, for the period July 1, 2003 to June 30, 2004, for the Micro Enterprise Resources and Lending Initiatives Network (MERLIN) Program. CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)

Resolution No. 72088 adopted.

2.7 Approval of a reimbursement agreement for crossing guard services with the County of Santa Clara.

Recommendation:

- (a) Approve the reimbursement agreement with the County of Santa Clara for the City to provide crossing guard services to the County for the initial period of July 1, 2003 through June 30, 2004, in the amount not to exceed \$38,965, with two (2) one-year options to extend the agreement;
- (b) Authorize the City Manager to exercise the first one-year renewal for the period of July 1, 2004 through June 30, 2005, in the amount not to exceed \$42,860;
- (c) Authorize the City Manager to exercise the second one-year renewal for the period of July 1, 2005 through June 30, 2006, in the amount not to exceed \$47,148; and
- (d) Adopt amendments to the 2003-04 annual appropriation ordinance and annual funding sources resolution in the General Fund for Fiscal Year 2003-04:
 - (1) Increase the Police Department's Personal Services appropriation by \$38,965; and
 - (2) Increase the Earned Revenue Estimate from Local Agencies by \$38,965.

CEQA: Not a Project. (Police/City Manager's Office)

Ordinance No. 27134 adopted.

Resolution No. 72089 adopted.

2 CONSENT CALENDAR

2.8 Approval of actions for developing Community Safety Protocols.

Recommendation: Adoption of appropriation ordinance and funding sources resolution amendments in the General Fund in the amount of \$46,882, for developing Community Safety Protocols. CEQA: Not a Project. (Parks, Recreation and Neighborhood Services/ City Manager's Office)

(Deferred from 4/20/04 – Item 2.7 and 4/27/04 – Item 2.20)

Ordinance No. 27135 adopted.

Resolution No. 72090 adopted.

2.9 Appointments to Santa Clara County Airport Land Use Commission and the Santa Clara County Recycling and Waste Reduction Commission.

Recommendation: Approval of:

- (a) The appointment of Council Member Reed to the Santa Clara County Airport Land Use Commission;
- b) The appointment of Council Member LeZotte to the Santa Clara County Recycling and Waste Reduction Commission.

(Mayor)

(Rules Committee referral 4/28/04)

Approved.

3 STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session Mayor Gonzales, Chair No Report.

3.2 Report of the Rules Committee – April 21, 2004 Vice Mayor Dando, Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
 - (1) Review May 4, 2004 Draft Agenda
The Committee recommended approval of the May 4, 2004 City Council Agenda with four additions.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – April 21, 2004 (Cont'd.) Vice Mayor Dando, Chair

- (b) City Council (Cont'd.)
 - (2) Add New Items to April 27, 2004 Amended Agenda
 - Mayor and Council Member Requests
 - City Manager Requests
 - City Attorney Requests
 - City Clerk Requests**The Committee recommended three additions and one deferral to the April 27, 2004 City Council agenda.**
 - (3) List of Reports Outstanding
The Committee noted and filed the City Manager's report stating there is one Staff report outstanding for the April 27, 2004 Council agenda.
- (c) Legislative Update
 - (1) State
 - (a) AB 2741 (Salinas, Wolk) – Metropolitan Transportation Commission: governing board
This item as reported out at the April 27, 2004 Council Meeting.
 - (2) Federal
There was no report.
- (d) Meeting Schedules
 - (1) Approve minor modifications to the Budget Study Session Schedule
The Committee recommended approval of the revised 2004-2005 Budget Study Session Review Calendar.
- (e) The Public Record
The Committee noted and filed the Public Record.
- (f) Appointment to Boards, Commissions and Committees
There were none.
- (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) Approve work plan for implementation of a Unique Structure Fire Fighter Safety Ordinance
The Committee recommended approval of the workload assessment for a High-Rise Safety Regulation Review.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – April 21, 2004 (Cont'd.)

Vice Mayor Dando, Chair

- (g) Rules Committee Reviews, Recommendations and Approvals (Cont'd.)
 - (2) Request City Manager's Office to provide a written report regarding the Norman Y. Mineta San José International Airport Public Art Process
The Committee directed Administration to provide a written report to Rules Committee on May 5, 2004, regarding the Public Art Process for the San José Mineta International Airport, including the following issues: (1) The budget; (2) The process to include the public in choosing the art (Public Outreach Plan); (3) Procedures to solicit artists, including local artists, with knowledge of San José history and aviation; (4) Information about the current staffing of the City's Public Art Program; (5) The difference between Public Art and accouterments; (6) Maintenance of Public Art.
- (h) Oral communications
None presented.
- (i) Adjournment
The meeting was adjourned at 2:12 p.m.

The Report of the Rules Committee and the Actions of April 21, 2004 were accepted.

3.3 Report of the Making Government Work Better Committee

Council Member Campos, Chair

No Report.

3.4 Approval of actions related to the City's Operating Budget proposals.

Recommendation:

- (a) Approve the acceleration of 2004-2005 Proposed Operating Budget proposals.
- (b) Direct staff to utilize the 2003-2004 General Fund cost savings associated with the acceleration of 2004-2005 Proposed Operating Budget proposals toward meeting the 2003-2004 Ending/2004-2005 Beginning General Fund Balance Estimate.
- (c) Direct staff to bring back 2003-2004 appropriation ordinance and funding sources resolution amendments necessary to implement these proposals as part of the June Operating and Capital Year-End Adjustments memorandum.

(City Manager's Office)

Memorandum from Mayor Gonzales, dated May 4, 2004, recommending Council Appointee reductions as part of the accelerated proposals, and the Staff recommendation, were approved, with Staff directed to continue to monitor fund expenditures.

3 STRATEGIC SUPPORT SERVICES

3.5 Capital Budget/Capital Improvement Program Policy Revisions.

Recommendation: Approval of Capital Budget/Capital Improvement Program Policy Revisions. (Reed, Yeager; Mayor)

Approved.

3.6 Approval of an agreement with the International Union of Operating Engineers (OE#3).

Recommendation: Adoption of a resolution approving the terms of a Memorandum of Agreement between the City of San José and the International Union of Operating Engineers, Local #3, authorizing the City Manager to execute the agreement for the term of April 17, 2004 through April 14, 2006. CEQA: Not a Project. (City Manager's Office) (Deferred from 4/27/04 – Item 2.19)

Resolution No. 72091 adopted.

3.7 Approval of actions related to an Integrated Utility Billing, Customer Service and Performance Management System (CUSP).

Recommendation:

- (a) Adoption of resolution authorizing the City Manager to enter into exclusive negotiations for sixty days for the purchase, installation, and integration of an Integrated Utility Billing, Customer Service and Performance Management System (CUSP) with BearingPoint/PeopleSoft, with the option to return to City Council for further recommendation in the event business terms are not reached with BearingPoint/PeopleSoft.
- (b) Direction for staff to proceed with the necessary actions to expand the City's commercial paper program including the preparation of the necessary amendments to the Trust Indenture, certain financing documents, and preparation of a new Offering Memorandum for the City of San José Financing Authority Tax-Exempt Lease Revenue Commercial Paper Notes (the "CP Notes") for City Council and City of San José Financing Authority Board approval by August 2004.
- (c) Direction for staff to return to Council by August 2004 for Council's approval of a final agreement between the City and the recommended CUSP vendor solution and the related budget appropriations.

CEQA: Not a Project. (Finance/Environmental Services/Information Technology) (Deferred from 4/27/04 – Item 3.6)

- (1) **The City Auditor was directed to conduct an independent review of the RFP process for this project and return to Council within 30 days with an analysis.**
- (2) **A review of the City's RFP process was referred to the Making Government Work Better Committee.**

3 STRATEGIC SUPPORT SERVICES

3.8 Acceptance of the Office of the City Auditor's reports.

Recommendation:

- (a) Acceptance of the Office of the City Auditor's *Report on Sales and Business Tax Audit Results for the Quarter Ended March 31, 2004.*
- (b) Acceptance of the Office of the City Auditor's monthly *Report of Activities and Findings through April 15, 2004.*

(City Auditor)

(Rules Committee referral 4/28/04)

Reports accepted.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.1 Report of the Building Strong Neighborhoods Committee – April 19, 2004 Council Member Chavez, Chair

- (a) Vehicle Abatement
No action was required by the Committee.
- (b) Airport Neighborhood Services Group (ANSO) Update
The Committee accepted the report.
- (c) Oral petitions
There were none.
- (d) Adjournment
The meeting was adjourned at 3:06 p.m.

The Building Strong Neighborhoods Committee Report and the Actions of April 19, 2004 were accepted.

4.2 Report of the Driving a Strong Economy Committee Council Member Williams, Chair No Report.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.3 Approval of an ordinance amending the San José Municipal Code to provide for a preference in the award of contracts for local businesses and small businesses.

Recommendation: Approval of an ordinance amending the San José Municipal Code by adding a new Chapter 4.06 and amending Section 4.12.117, adding Section 4.12.118 to Chapter 4.12 and amending Sections 4.13.135 and 4.13.040 of Chapter 4.13 of Title 4 to establish contracting preferences for local and small businesses. (City Attorney's Office) (Deferred from 4/6/04 – Item 4.4 and 4/13/04 – Item 4.5)

Ordinance No. 27136 passed for publication.

Staff directed to consider the data already collected and analyze the RFP process to determine if structural changes are needed, and/or a specific set-aside amount should be established.

4.4 Public Hearing and approval of various actions related to the 2004-2005 Consolidated Plan Action Plan.

Recommendation: PUBLIC HEARING and adoption of a resolution to:

- (a) Adopt the 2004-2005 Consolidated Plan Annual Action Plan, including FY 2004-2005 proposed recommendations for the Community Development Block Grant (CDBG) Program, the HOME Investment Partnership Program (HOME), the Housing Opportunities for People with HIV/AIDS (HOPWA) Program, and the Emergency Shelter Grant (ESG) Program.
- (b) Authorize the Director of Parks, Recreation and Neighborhood Services to negotiate and execute all agreements and contracts, including any amendments or modifications, for the expenditure of CDBG funds on behalf of the City.
- (c) Approve the Emergency Shelter Grant (ESG) Program funding recommendations.
- (d) Authorize the Director Housing to negotiate and execute all agreements and contracts, including any amendments or modifications, for the expenditure of ESG, HOME, and Housing Opportunities for People with HIV/AIDS (HOPWA) funds on behalf of the City. CEQA: Not a Project.

(Housing/Parks, Recreation and Neighborhood Services)

The Public Hearing was Held.

Resolution No. 72092 adopted.

- (1) Staff directed to add the \$21,475 for Project Sentinel for all three years in the cycle.
- (2) F.L.Y. and ROHI Alternative Community Outreach, Inc. allocations were deferred to 5/11/04 for further Staff evaluation.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.5 Approval of an agreement for the State Route 82/Monterey Road Median Island Landscape Improvement Project.

Recommendation: Approval of an agreement with the State of California authorizing the City of San José, to construct and maintain State Route 82/ Monterey Road Median Island Landscape Improvements Project, with project construction costs in the estimated amount of \$1,823,000, and annual operating and maintenance costs in the estimated amount of \$9,800. CEQA: Resolution No. 65657, PP01-07-135. Council Districts 3 and 7. SNI: Washington. (Public Works)

Approved.

4.6 Approval to award a contract for the Elizabeth Street Improvement Project (Phase 1).

Recommendation: Report on bids and award of contract for the Elizabeth Street Improvement Project - Phase 1 to the low bidder, Golden Bay Construction Company, Inc., in the amount of \$524,826.20, and approval of a contingency in the amount of \$53,000. CEQA: Exempt, PP 03-09-295. Council District 4. (Public Works)

Approved.

5 RECREATION & CULTURAL SERVICES

5.1 Report of the All Children Achieve Committee – April 8, 2004 Council Member Yeager, Chair

- (a) Civic Center Childcare Update
- (b) Update on Schools/City Collaborative Joint Use Agreements – Discussion on how we can better work with schools
- (c) Discussion on Gang Prevention and Intervention Programs
- (d) San José After School Implementation Update and Discussion of Priorities for Youth Programs

**See Item 5.2 for Council Action taken.
The Committee accepted the report.**

- (e) Oral petitions
There were none.

- (f) Adjournment
(Deferred from 4/20/04 – Item 5.1 and 4/27/04 – Item 5.1)
The meeting was adjourned at 3:40 p.m.

The All Children Achieve Committee Report and the Actions of April 8, 2004 were accepted.

5 RECREATION & CULTURAL SERVICES

5.2 Acceptance of the status report of the San José After School Program and other priorities for youth programs.

Recommendation: Acceptance of the status report of the San José After School Program and other priorities for youth programs. (Parks, Recreation and Neighborhood Services)
[All Children Achieve Committee referral 4/8/04 – Item 5.1(d)]

Report accepted.

5.3 Approval of funding extensions for various CDBG projects.

Recommendation:

- (a) Approval of a continuation and extension of the funding term for six months, from December 31, 2003 to June 30, 2004, for the following projects:
 - (1) F89 Nursery Renovation – San José Day Nursery;
Disqualified: Chavez. (Due to conflict of interests.)
 - (2) G43 Roosevelt Hockey Rink Renovation - Department of Parks, Recreation and Neighborhood Services.
- (b) Approval of a continuation and extension of the funding term for one year, from June 30, 2003 to June 30, 2004, for the F67 New Billy DeFrank Lesbian and Gay Community Center - Billy DeFrank Lesbian and Gay Community Center.
- (c) Approval of a continuation and extension of the funding term for one year, from December 31, 2003 to December 31, 2004, for the following projects:
 - (1) F85 Eastside Clubhouse Capital Project - Boys and Girls Club of Silicon Valley;
 - (2) F87 Disabled Housing Preservation - Housing for Independent People, Inc.;
 - (3) F95 Cultivating Community Power - Resources for Families and Communities.
- (d) Approval of an extension of the funding term, from June 30, 2004 to December 31, 2004, for the following projects:
 - (1) F88 MACSA Enrichment and Development Center - The Mexican American Community Services Agency, Inc.;
 - (2) F93 701 Vine Street Infrastructure - Center for Employment Training;
 - (3) G33 Goss Community Facility - Department of Parks, Recreation and Neighborhood Services.

CEQA: Not a Project. Council Districts 1, 3, 5, 6, 7, and 9. SNI: 13th Street, Five Wounds, East Valley/680 Communities, Mayfair, Washington, and Blackford. (Parks, Recreation and Neighborhood Services)

Approved.

6 TRANSPORTATION SERVICES

6.1 Report of the Building Better Transportation Committee – April 5, 2004 Council Member Cortese, Chair

- (a) Expansion and Improvement of Transit and Transportation Systems
 - (1) Taxicab Service Model Report
See Item 6.2 for Council Action taken.
The Committee approved Staff's recommendation, and directed Staff to bring the following to the City Council Meeting on April 27, 2004:
 - (a) City reserves the right to declare a cap on the number of Citywide taxicab permits. A specific future date should be set to review the need for a Citywide cap. Declaration of a cap would be based upon an analysis of relevant factors, worsening market conditions, and industry data; and would be set administratively by the Director of Transportation.
 - (b) Direct Staff to report back to the Building Better Transportation Committee after the proposed system has been effect for six months to determine how effectively it is working; and if the system is functioning as expected, to consider making the proposed Airport driver permits transferable.
 - (c) Direct Staff to provide additional justification and detail on why 300 alternate day Airport permits have been recommended rather than a larger or smaller number. Staff was further directed to justify the ratio of allocation of permits between drivers and companies.
 - (2) Report on Bay Area Rapid Transit (BART) Environmental Analysis
The Committee unanimously accepted the report.
- (b) Traffic Relief/Safe Streets
 - (1) Traffic Calming Program and Public Education Campaign "Street Smarts"
 - (2) Business District Streetscape Implementation and Maintenance Report
The Committee received Item (b)(1), renamed "Traffic Calming-Private Development Monitoring Reports", that proposes quarterly reports to the Committee regarding information about efforts to integrate traffic calming measures and street design features as part of private development projects, with the first report scheduled for August 2004; and to defer Item (b)(2), "Business District Streetscape Implementation and Maintenance Report" to the May 3, 2004 Committee meeting.
 - (3) Annual Street Maintenance Report
The Committee unanimously accepted the report.
- (c) Supporting Smart Growth
There were no items.

6 TRANSPORTATION SERVICES

6.1 Report of the Building Better Transportation Committee – April 5, 2004 (Cont'd.) Council Member Cortese, Chair

- (d) Regional Relationships/Funding/Policy
 - (1) Update on the Santa Clara Valley Transportation Authority (VTA),
Valley Transportation Plan (VTP) 2030
The Committee unanimously accepted the report.
- (e) Oral petitions
Tahry Ros from Door to Door Shuttle asked that the independent taxi management company set up at the Airport consider other forms of transportations, including shuttles.
- (f) Adjournment
(Deferred from 4/20/04 - Item 6.1)
The meeting was adjourned at 5:25 p.m.

The Building Better Transportation Committee Report and the Actions of April 5, 2004 were accepted.

6.2 Approval of actions related to the Taxicab Service Model.

Recommendation:

- (a) Approval to proceed with implementation of the proposed Taxicab Service Model with an implementation date of February 1, 2005.
- (b) Adoption of a resolution authorizing the City Manager to execute an extension to the Airport Taxicab Concession Agreements with Yellow Checker Cab Company, Inc. and United Taxicab Corporation that expire on September 27, 2004 until January 31, 2005.

CEQA: Not a Project. (Transportation/Police/Airport)

[Building Better Transportation Committee referral 4/5/04 – Item 6.1(a)(1)]

Staff and Consultant presentation received. Council Action deferred to 5/11/04.

7 ENVIRONMENTAL & UTILITY SERVICES

8 AVIATION SERVICES

8.1 Approval to award a contract for the North Concourse Building Site Preparation and Excavation Project (Package I) at the Airport.

Recommendation: Report on bids and take appropriate action based on the evaluation of bids for the Norman Y. Mineta San José International Airport North Concourse Building Site Preparation and Excavation (Package 1) Project. CEQA: Resolution Nos. 67380 and 71451, PP 04-03-092. (Public Works/Airport)

Deferred to 5/11/04.

9 PUBLIC SAFETY SERVICES

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

The Redevelopment Agency Board Convened at 5:59 p.m. to consider Item 10.1 in a Joint Session.

10.1 Approval of payment to the Education Revenue Augmentation Fund.

Recommendation:

- (a) Adoption of a resolution by the City Council reporting to the County Auditor that the Redevelopment Agency intends to fund the Educational Revenue Augmentation Fund payment in the amount of \$10,077,872.41; and,
Resolution No. 72093 adopted.
- (b) Approval by the City Council and Agency Board of a loan agreement from the City's Sewer Service and Use Charge Capital Improvement Fund to the Agency in the amount of \$10,077,872.41 for the purpose of paying the State-mandated Educational Revenue Augmentation Fund.
Approved.
- (c) Approval by the City Council for adoption of the following appropriation ordinance amendments in the Sewer Service and Use Charge Capital Improvement Fund to reflect the loan to the Agency:
 - (1) Reduce the 60" Brick Interceptor appropriation by \$10,077,872.41.
 - (2) Establish a Transfer Out in the amount of \$10,077,872.41.

Ordinance No. 27137 adopted.

(Item continued on the next page)

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

10.1 Approval of payment to the Education Revenue Augmentation Fund (Cont'd.)

- (d) Approval by the City Council for adoption of the following appropriation ordinance and funding sources resolution amendments in the Sewer Service and Use Charge Capital Improvement Fund to reflect the repayment of the loan from the Agency:

- (1) Increase the 60" Brick Interceptor appropriation by \$10,077,872.41.
- (2) Establish a Transfer in the amount of \$10,077,872.41.

(City Manager's Office/Redevelopment Agency)

Ordinance No. 27138 adopted.

Resolution No. 72094 adopted.

The Redevelopment Agency Board portion of the Meeting was adjourned at 6:00 p.m.

- **Closed Session Report**

No Report.

- **Notice of City Engineer's Pending Decision on Final Maps**

In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/ Units</u>	<u>Type</u>	<u>Proposed Decision</u>
9550	South side of Trade Zone Blvd opposite Autumnvale Ave	4	DKB Homes LLC	18 units	SFD	Approve

In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:

None.

- **Open Forum**

- (1) **Daniel McCall presented his personal view on medical marijuana.**

- **Adjournment**

The Council of the City of San José was adjourned at 6:02 p.m.

11 PUBLIC HEARINGS

(Heard by the City Council at 7:05 p.m.)

11.1 Public Hearing on conforming prezoning of the property located at 1072 Noble Lane.

Recommendation: PUBLIC HEARING ON CONFORMING PREZONING of the property located on the east side of Noble Lane, approximately 550 feet northerly of Noble Avenue (1072 Noble Lane), from Unincorporated County to R-1-5 Residence Zoning District to allow a single-family residence on a 1.05 gross acre site. (Vu Lien, Owner). CEQA: Exempt. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

C 04-003 - District 4

Ordinance No. 27140 passed for publication.

11.2 Public Hearing on conforming planned development rezoning of the property located at 202 Lewis Road.

Recommendation: PUBLIC HEARING ON CONFORMING PLANNED DEVELOPMENT REZONING of the property located at the southwest corner of Lewis Road and Wall Street (202 Lewis Road), from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District, to allow 16 single-family detached residential units on a 1.14 gross acre site. (Roem Development Corp., Roem FL Land LLC, Owner). CEQA: Mitigated Negative Declaration, File No. PDC 02-018. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

PDC 04-013 - District 7

Ordinance No. 27141 passed for publication.

• Open Forum

- (1) Mark Trout presented personal religious beliefs.
- (2) Gabrielle Autolovich, National Council on Alcoholism and Drug Dependence, announced an underage drunk driving program.

• Adjournment

The Council of the City of San José was adjourned in memory of its local sons, Corporal Pat Tillman, who was killed in the line of duty in Afghanistan and Sergeant Adam Estep, who was killed in the line of duty in Iraq; also in memory of Phuc Tran, founder of the Hung Association Temple and the Vietnamese Cultural Garden.

The Council of the City of San José was adjourned at 7:34 p.m.

7 JOINT REDEVELOPMENT AGENCY/COUNCIL

The Council of the City of San José convened at 6:03 p.m. to hear Items 7.1 in a Joint Session with the Redevelopment Agency Board.

7.1 Approval of actions related to the Blackford Community Center Project.

Recommendations:

- (a) Approval by the City Council and Agency Board of a Cooperation Agreement providing for the City's contribution of \$823,000 and the Agency's contribution of \$1,029,000 towards the City's acquisition of 3707 Williams Road (APN: 299-32-074); for the Blackford Community Center Project.
Approved.
- (b) Approval by the City Council of a Purchase and Sale Agreement with OCIP, LLC, in the amount of \$1,850,000 plus related closing costs, for the acquisition of 3707 Williams Road.
Approved
- (c) Adoption by the City Council of Appropriation Ordinance amendments in the Subdivision Park Trust Fund: decreasing the Reserve for Blackford High School Swimming Pool by \$83,000; and establishing the Blackford Community Center Project for \$83,000 to the Department of Parks, Recreation and Neighborhood Services.
Ordinance No. 27139 adopted.
- (d) Adoption of a resolution by the Redevelopment Agency amending the Agency's FY 2003-04 Appropriation Resolution.
Redevelopment Agency Board Resolution No. 5497 adopted.
- (e) Adoption of resolutions by the City Council and the Redevelopment Agency Board approving of certain findings related to the Agency's payment for property that will be publicly owned.
CEQA: Exempt, PP04-03-090. [BLACKFORD SNI] (Deferred 4/27/04, Item 7.2)
Resolution No. 72095 adopted.
Redevelopment Agency Board Resolution No. 5498 adopted.

ADJOURNMENT

The Council of the City of San José, and the Redevelopment Agency Board was adjourned at 6:05 p.m.